

4738. Adulteration and misbranding of champagne, sparkling nebiolo and moscato. U. S. * * * v. Ferdinand Giachino (Piemont Wine Cellars). Plea of guilty. Fine, \$15. (F. & D. No. 7215. I. S. Nos. 971-k, 972-k, 2713-k.)

On April 24, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ferdinand Giachino, trading as Piemont Wine Cellars, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, in the name of C. Vazzoler, on January 27, 1915, from the State of New York into the State of Massachusetts, of quantities of champagne, sparkling nebiolo, and moscato, which were adulterated and misbranded. The champagne was labeled: (Neck label) "'Champagne' Special." (Main label) "Grand" (Representation of hand gripping arrow) "Mousseux Pierre Rutilard & Cie. Reims." The sparkling nebiolo was labeled: (Neck label) (Representation of crown and bunches of grapes on vine) "French Italian Importing Co., New York." (Main label) (Representation of crown and bunches of grapes on vine) "Sparkling Nebiolo French Italian Importing Co. New York." The moscato was labeled: (Neck label) "Moscato TBC Spumante." (Main label) (Representation of coat of arms) "Vini Scelti Moscato Wine Qualita Superiore."

Analyses of samples of these articles by the Bureau of Chemistry of this department showed that they were artificially carbonated, as shown by the low percentage of carbon dioxide in the successive portions of gas withdrawn and by the failure of the samples to recover their pressure after long standing.

Adulteration of the articles was alleged in the information for the reason that an artificially carbonated wine had been substituted, in whole or in part, for champagne and for bottle-fermented wines, which the articles respectively purported to be.

Misbranding of the champagne was alleged for the reason that the following statement regarding it and the ingredients and substances contained therein, appearing on the neck label aforesaid, to wit, "Champagne," was false and misleading in this, that it indicated to purchasers thereof that the article was champagne; and for the further reason that it was labeled "Champagne" so as to deceive and mislead purchasers into the belief that it was champagne, when, in truth and in fact, it was not, but was, to wit, an artificially carbonated wine. Misbranding was alleged for the further reason that the article consisted of an artificially carbonated wine and was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, champagne. Misbranding was alleged for the further reason that the following statements regarding the article and the ingredients and substances contained therein, appearing on the labels aforesaid, to wit, "Champagne * * * Grand * * * Mousseux Pierre Rutilard & Cie. Reims," were false and misleading in that they indicated to purchasers thereof that the article was of foreign origin and had been produced in the city of Reims, Republic of France, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it was of foreign origin and had been produced in the city of Reims, Republic of France, when, in truth and in fact, it was not of foreign origin and had not been produced in the city of Reims, Republic of France, but was a domestic product, manufactured in the United States of America, to wit, city of New York, State of New York. Misbranding was alleged for the further reason that the article was a domestic product and had been manufactured in the United States of America, to wit, city of New York, State of New York, and purported to be of foreign origin, to wit, a product of the city of Reims, Republic of France.

Misbranding was alleged for the further reason that the article consisted of food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

Misbranding of the sparkling nebiolo was alleged for the reason that the following statement, regarding it and the ingredients and substances contained therein, appearing on the label aforesaid, to wit, "Sparkling Nebiolo," was false and misleading in that it indicated to purchasers thereof that the article was a bottle-fermented wine, and for the further reason that it was labeled "Sparkling Nebiolo" so as to deceive and mislead purchasers into the belief that it was a bottle-fermented wine, when, in truth and in fact, it was not a bottle-fermented wine, but was an artificially carbonated wine. Misbranding was alleged for the further reason that the article consisted of an artificially carbonated wine, and was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, sparkling nebiolo. Misbranding was alleged for the further reason that the following statements, regarding the article and the ingredients and substances contained therein, appearing on the label aforesaid, to wit, "Sparkling Nebiolo French Italian Importing Co. New York," were false and misleading in that they indicated to purchasers thereof that the article was of foreign origin, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead purchasers thereof into the belief that it was of foreign origin, when, in truth and in fact, it was not of foreign origin but was of domestic origin, to wit, a product manufactured in the city of New York, State of New York. Misbranding was alleged for the further reason that the article was of domestic origin and had been manufactured in the city of New York, State of New York, United States of America, and purported to be of foreign origin. Misbranding was alleged for the further reason that the article consisted of food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

Misbranding of the moscato was alleged for the reason that the following statement, regarding the article and the ingredients and substances contained therein, appearing on the label aforesaid, to wit, "Moscato * * * Spumante," was false and misleading in that it indicated to purchasers thereof that the said article was a bottle-fermented wine, and for the further reason that it was labeled "Moscato * * * Spumante" so as to deceive and mislead purchasers into the belief that it was a bottle-fermented wine, when, in truth and in fact, it was not a bottle-fermented wine, but was, to wit, an artificially carbonated wine. Misbranding was alleged for the further reason that the following statements regarding the article and the ingredients and substances contained therein, appearing on the labels aforesaid, to wit, "Moscato * * * Spumante * * * Vini Scelti Moscato * * * Qualita Superiore," were false and misleading in that they indicated to purchasers thereof that the article was of foreign origin, when, in truth and in fact, it was not, but was of domestic origin, to wit, a product manufactured in the City of New York, State of New York. Misbranding was alleged for the further reason that the article was a domestic product and had been manufactured in the United States of America, to wit, city of New York, State of New York, and purported to be of foreign origin. Misbranding was alleged for the further reason that the product consisted of food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On April 28, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$15.

CARL VROOMAN, *Acting Secretary of Agriculture.*